

2005 DRAFTING REQUEST

Senate Amendment (SA-SB352)

Received: **11/18/2005**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Eric Schutt (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - airports**
Transportation - miscellaneous

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wisconsin Aerospace Authority; restoring audit and ethics provisions

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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	11/21/2005	11/21/2005	11/21/2005	_____	11/21/2005	11/21/2005	

FE Sent For:

<END>

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/P1	agary	11/21/05					
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FE Sent For:

<END>

11/17/05

H/c from Eric Schutt - VM

SB-352

Sen. Leibham

6-2056

- 1 amendment
- remove exemption from audit ^{LOP} except
- " " " ethics except bd. members
- can be reached via e-mail - out next week
- maybe by & exec. on Mon. 11/28

REG notes - see attached for

13.94 (4) (a) 1.

14.42 (10) (g)

Gary, Aaron

From: Davis, Brett
Sent: Tuesday, June 29, 2004 3:30 PM
To: Gary, Aaron
Subject: RE: Wisconsin Aerospace Authority

Thanks for your work on this Aaron. I will read it over and talk with the Senator.

—Original Message—

From: Gary, Aaron
Sent: Tuesday, June 29, 2004 2:26 PM
To: Davis, Brett
Subject: RE: Wisconsin Aerospace Authority

Brett,

The red-lined document provided by Attorney Nova of Godfrey & Kahn suggest the following changes to LRB-2508/P1 with respect to Wisconsin Aerospace Authority (WAA):

1. Eliminating treatment of WAA from s. 13.94 (4) (a) 1.: The effect of this change would be uncertain, but the intent of the change appears to be to remove the WAA from the scope of the Legislative Audit Bureau authority. However, I think the actual method of Attorney Nova's suggested change is insufficient to remove WAA from LAB audit authority. (LAB currently has general audit powers over other state-created authorities.) To make this provision clearly reflect an intent to put WAA outside LAB's audit powers, WAA should be identified as an exception under the provision, rather than simply eliminated from the provision.
2. Eliminating treatment of WAA from s. 16.765 (4) and (5): The effect of this vis-a-vis sub. (5) is to remove responsibility for compliance with nondiscrimination provisions from the WAA board of directors. Curiously, the suggested change does not remove provisions requiring certain nondiscrimination, but would rather provide that the ultimate management of the WAA is *not* responsible (no suggestion is made as to who would be responsible). Sub. (4) is similar. The requested changes would make WAA different from most state-created authorities.
3. Eliminating created s. 19.42 (10) (q): This provision applies the code of ethics for public officials and employees to WAA's executive director and board. The code of ethics currently applies to most state-created authorities, so the requested change would make the WAA different from these state-created authorities.
4. Treatment of created s. 114.60 (9): Suggests adding "appurtenant". I don't think this is necessary or desirable. The spaceport should include all spaceport facilities. The draft should not cover anything outside the spaceport. I have tried to draft it so that the statutory language recognizes that anything "appurtenant" to spaceport *activities* falls *within* the spaceport *territory*.
5. Treatment of created s. 114.60 (12): Suggests change to definition of Wisconsin Space Grant Consortium to reference other legislation/documents. I will need copies of the referenced documents. At a minimum, I will need a pinpoint cite for the federal legislation, and I cannot cross-reference any document, such as a charter, that is not a public record.
6. Treatment of created s. 114.61 (1) (a): Reduces governor-nominated positions on WAA board by 2, from 8 to 6.
7. Treatment of created s. 114.61 (3) (c): Deletes requirement that governor remove governor-appointed position of board members who fail to show up at meetings, but retains this requirement for legislative-appointed positions. Also, replaces executive director with chairperson of board as to who may authorize absence from board meetings.
8. Treatment of created s. 114.61 (6): Reduces number of board members necessary for quorum from 6 to 5.
9. Treatment of created s. 114.61 (7): Suggests making appointment of executive director of WAA permissive, rather than mandatory. Since other provisions assume there will be an executive director, if this suggestion is incorporated, other provisions will need to be changed as well.
10. Treatment of created s. 114.62 (2): Suggests terminology change that is inconsistent with LRB drafting practices.
11. Treatment of created s. 114.62 (7): Suggests adding language "construction agreements" and "program." I believe that the term "program" is subsumed within the term "service" given definitions in bill, and adding "program" is not desirable from a drafting standpoint. (This same comment applies to same suggested change at created s. 114.62 (11), (12), and (13).)
12. Treatment of created s. 114.62 (21): Suggests adding certain language that adds more prohibited names, adds "or entity," and adds "profit or non-profit." The term "person" includes an "entity" under the statutes. s. 990.01 (26). Adding "entity" and "profit or non-profit" are not consistent with LRB drafting practices.
13. Treatment of created s. 114.63 (9): Some language changes. Adding new duty requiring that WAA, in creating and implementing a business plan, cooperate with the Wisconsin Space Grant Consortium.
14. Treatment of created s. 114.64 (2) (a): Intent seems to be to change timing of submission of business plan to DOA, but exactly how is unclear from suggested change.
15. Treatment of created s. 114.64 (3): Suggested change to require audited financial statement to be submitted to DOA only if WAA has revenue. I believe the suggested change is ambiguous and cannot be incorporated as is: does

Needed
by Fri.
11/25

in 11/21

jld

**SENATE AMENDMENT ,
TO 2005 SENATE BILL 352**

At the locations indicated, amend the bill as follows:

1. Page 5, line 16: delete lines 16 to 20. ✓

2. Page 6, line 1: delete lines 1 to 22. ✓

3. Page 7, line 3: delete “, except the Wisconsin Aerospace Authority, and”. ✓

4. Page 7, line 4: after “Authority” insert “and the Wisconsin Aerospace Authority”. ✓

5. Page 16, line 8: delete lines 8 to 15 and substitute: ✓

SECTION 26m. 19.42 (10) (q) of the statutes is created to read: ✓

19.42 (10) (q) The executive director and members of the board of directors of the Wisconsin Aerospace Authority.”. ✓

(END)